

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING**

FINAL MINUTES

AUGUST 13 & 14, 2013

**(KEY: MSC = MOTION: MADE, SECOND: CARRIED
MSF = MOTION: MADE, SECOND: FAILED)**

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:35 A.M. ON AUGUST 13, 2013 IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), CHRIS KORELL, TOM LONG AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE OFFICE SUPERVISOR, LORI THOMASON AND EDUCATION/ENFORCEMENT SUPERVISOR, RANDY WADLEY. EXECUTIVE DIRECTOR, JAKE HOWARD AND BOARD MEMBER, LOUISE STARK WERE NOT PRESENT.

The Board asked Office Supervisor Lori Thomason to fill in as the acting Director during Director Howard's absence.

Agenda – Acting Director Thomason gave a brief overview of the agenda.

Consent Agenda- The Board reviewed the Consent Agenda. The Board discussed the June 18, 2013 minutes dealing with the negotiated rulemaking and that the minutes need to be corrected to reflect that the Board discussed several options based on the public hearings. An option “D” will be reviewed at the August Board meeting where the Board hopes to adopt a proposed rule to move forward in the state’s formal rule making process. These changes will be made and will be reflected in the June 2013 final board minutes. **MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER, LONG, AND NAYES -- NONE) TO ACCEPT THE CONSENT AGENDA WITH THE REVISED MINUTES TO REFLECT THE CHANGES.**

The Board acknowledged the loss of IOGA Office manager Janey Bruesch’s husband. The Board sends its deepest sympathy to her and her family

Office Supervisor Report – **Lori Thomason** provided the Board with the list of the eight outfitters that did not renew their licenses this year. The list of outfitters are **Kimi Petroski, d.b.a Lemhi Valley Outfitters**, in IDFG Unit #21A, 29 and 30 for deer, elk, antelope, moose and incidental fishing on private lands; **Andrus Ranch Inc., Milo Andrus** - IDFG Unit #68 for trail rides on private lands; **Elk Mountain Outfitters of Idaho LLC, Brian Lierman** - IDFG Unit #16A and #17 for deer, elk, moose, backpacking, cougar, photo trips, wolf, forest grouse, incidental fishing, trail rides and predators on; public lands; **Birds of Prey Expeditions/Whitewater Shop River Tours, Stephen Guinn** - SN10 float boat fishing float boating, power boating power boat fishing on public waters; **Robert Hill dba Teepee Creek Outfitters**, IDFG Unit # 62 and #62A, antelope, deer, elk, moose, bear, cougar, predators, wolf, forest grouse and sheep on public lands; **Jackson Hole Recreation LLC, Robert Hill** – IDFG Units #66, #66A and #67 trail rides on public lands; **Diana Swift Bryant d.b.a.Wapiti Meadow Ranch & Outfitters**, IDFG Units# 25, #26 and #27 for incidental fishing, trail rides, backpacking, fly fishing walk and wade fishing, snowmobiling and photo trips on public lands; **Snake River Canyon Tours, Donald Mays** – SN7, SN8 and SN9 float

boating, float boat fishing, power boating, power boat fishing and photo trips on public waters.

Ms. Thomason also explained that there were several areas targeted in 2013 where IOGLB could save additional money. The areas of saving came in copier costs by changing the copier, saved \$393.24, mailing costs saving of \$3360.00, by now printing letterhead for cost savings of \$320.00, finding a less expensive paper source for our letterhead paper, saving \$110.00 for a total savings for 2013 of \$4066.24. She also explained that the budget has been reviewed and examined for additional savings and it looks like the Board is at bare bones for trying to save any more additional money but will continue to monitor every area in case additional savings can be found.

Teepee Creek Outfitters and Jackson Hole Recreation LLC Robert Hill- Ms. Thomason explained that Robert Hill sent a letter to Executive Director Howard requesting non-use for this year due to medical issues and additional time to get their businesses licensed for the 2014 license year. She said that the request came after the end of the license year, that they had not initiated the renewal of one of the licenses Teepee Creek and the other, Jackson Hole Recreation LLC, was incomplete. She said that the Director had determined that consequently by law both licenses were vacated. He said that at the Director's request that Robert Hill had verified that he had a legitimate medical emergency. She said that she understood based on a letter sent to Mr. Hill that the Director had intended to recommend that provided Robert Hill completes the renewal for the trail ride license (Jackson Hole Recreation LLC) that it be reinstated, and that considering the federal permit associated with Teepee Creek, Hill's hunting business expired on its own accord, and no current indication of it being reinstated that he must submit a new license application.
MSC (MOTION: LONG, SECOND, IRBY – AYES: IRBY, KORELL AND HUNSUCKER; NAYES: - NONE) TO GRANT ROBERT HILL DBA TEEPEE CREEK OUTFITTERS AND JACKSON HOLE RECREATION LLC UNTIL MARCH 31, 2014 TO GET BOTH BUSINESSES PERMITTED AND LICENSED.

Education/Enforcement Report – Randy Wadley- Enforcement Case Overview:

Education and Enforcement Supervisor Randy Wadley explained the cases he has investigated so far for the 2013 year. He said that so far there were 62 total investigations with 46 closed as of July 31, 2013. 16 total active, 14 arrested individuals, 20 criminal cases-counts for court hearings so far for 2013, 9 waiting on trial, 14 court convictions, 1 court dismissals/plea agreements, 7 citations paid in full, 7 needing approved at this meeting, **Richard Pislitello** - Chief Wadley went on to explain that Mr. Richard Carl Pislitello is no longer employed with Joe Roope (Castaway Fly Fishing), the Board had asked Mr. Roope to report if Mr. Pislitello became unemployed, this was a request by the Board when Mr. Pislitello was licensed after the Board hearing last year. **Enforcement Staff Training** - July 17th through the 20th the enforcement staff was in training at the Game Warden Conference in Boise. This provided the enforcement staff with 30 training hours which is a POST requirement. **Citation Issued for Illegal Outfitting** - July 3, 2013 Chief Wadley did a covert trip on an illegal outfitter in Brownlee Reservoir, enforcement cited the person for illegal outfitting. **OGLB Staff Training** - On July 26, 2013 the office staff participated in a training trip provided by the Forest Service on the Snake River in Hells Canyon which was very beneficial, allowing the staff to understand the sections of the Snake River and they were able to watch floating outfitters and power boating outfitters at work. **Enforcement Investigation Court Fines and Fees January to August 2013:**
Case No. 2012-039 Michael F. Branch — Unlicensed Guide for Michael Stockton — Outfitter/Owner. 03/13/2013 convicted in Clearwater County of Outfitting/Guiding without a License. Court fines and fees of \$390 dollars (\$175 dollars to IOGLB) 10 days jail suspended, 6 months unsupervised probation. Michael Stockton to be heard at Board hearing

Case No. 2012-108 Robert A. Wharff - Owner/Outfitter for RAW Adventures and Mont Joseph Beardall - Unlicensed Guide for RAW Adventures - 11/07/2012 - Robert Wharff convicted of Employment of Unlicensed Guide in Bear Lake County, with court fines and fees of \$500 dollars (\$250 dollars to IOGLB), no jail or probation. 10/06/2012 - Mont J. Beardall convicted of Outfitting/Guiding without a guides license while

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in pursuit of Bull Elk in Bear Lake County, with court fines and fees of \$500 dollars (\$250 dollars to IOGLB), no jail or probation. Board Hearing held upon Robert A. Wharff on April 3, 2013 testimony and evidence produced at hearing. Subject Beardall was present, but was not charged as at time was not licensed by IOGLB thus no jurisdiction. IOGLB Board concluded that Wharff was in violation of Unprofessional Conduct, Engaging in unlicensed activities, employing an unlicensed guide by outfitter, conviction of IDF&G laws, etc. Judgment by board was cost recovery in amount of \$839 dollars, 1 year of restrictive probation till 04/03/2014, retake and successfully pass outfitter exam. IOGLB received payment of \$839 dollars in cost recovery by credit card from Wharff on 06/05/2013. Further he did complete and successfully pass the ordered outfitter exam.

Director Howard entered the meeting.

Case No. 2013-007 James C. Hickey III - DA for World Cast Anglers LLC #3 - Cited by Montana Fish & Wildlife - 05/23/2012, (2) Two violations for outfitting (5) five boats on 08/21/2011 in one day on a river area limited to (3) three outfitted boats & violation for floating an outfitted trip on the Big Hole River that was not reported on commercial use records turned in 2011. Pled guilty by the payment of fines of \$135 dollars each for a total of \$270 dollars on 6/6/2012. Enforcement Chief Wadley issued administrative citation to Hickey, for unethical/unprofessional conduct and for conviction of Montana F & G misdemeanor citations, fine payment of \$200 dollars with special processing fees for investigation of \$75 dollars, also placed on general probation of one year by Director Howard. Fines & fees paid by Hickey 08/12/2013. Mr. Wadley asked the Board to accept fine payment & probation. **MSC (MOTION: KORELL, SECOND, IRBY – AYES: LONG, AND HUNSUCKER; NAYES: - NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.**

Case No. 2013-016 Joshua R. Gillish - Guide for Idaho Premier Adventure Company - Cited by Idaho Fish & Game for a Misdemeanor. Violation of Unlawful Taking of Game Animals, Birds or Furbearers to wit: Unlawful Bear bait - bait 120 feet from a stream. Pled guilty 09/10/2012 Custer County and paid \$175 dollar fine and fees, with no probation. Enforcement Chief Wadley issued administrative citation to Gillish, for unethical/unprofessional conduct & for conviction of Idaho F & G misdemeanor citation, fine payment of \$200 dollars with special process fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines and fees paid by Gillish 04/18/2013. Mr. Wadley asked the Board to accept fine payment and probation. **MSC (MOTION: KORELL, SECOND, LONG – AYES: IRBY, AND HUNSUCKER; NAYES: NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.**

Case No. 2013-018 James A. McManus - Guide for Flying B. Ranch - Cited by Idaho Fish & Game for a Misdemeanor. Violation of Commission Rule or Proclamation to wit: Caught 2 salmon in an area where 1 salmon could be harvested. Pled guilty 06/04/2012 and paid \$295 dollar fine and fees, with no probation. Enforcement Chief Wadley issued administrative citation to McManus, for unethical professional conduct and for conviction of Idaho F & G misdemeanor citation, fine payment of \$200 dollars. With special process fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines and fees paid by McManus 04/11/2013 Mr. Wadley asked the Board to accept fine payment & probation.

MSC (MOTION: IRBY, SECOND, LONG – AYES: KORELL AND HUNSUCKER; NAYES: NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.

Case No. 2013-027 Dennis Brent Sawyer Guide for Exodus Wilderness Adventures Inc. - Cited by Idaho Fish & Game for a Misdemeanor. Violation of Commission Rules or Proclamation to wit: Unlawful Wolf Snares set without diverters, (2nd trapping conviction). Pled guilty 02/05/2013 & paid \$185 dollar fine and fees, with no probation or jail time. Enforcement Chief Wadley issued administrative citation to Sawyer, for unethical/unprofessional conduct & for conviction of Idaho F & G misdemeanor citation, fine payment of \$200

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dollars w/special processing fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines & fees paid by Sawyer 04/11/2013. Chief Wadley Mr. Wadley asked the Board to accept fine payment and probation. **MSC (MOTION: KORELL, SECOND, LONG – AYES: IRBY, AND HUNSUCKER; NAYES: - NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED PROBATION.**

Case No. 2013-033 Steve M. Schultz - Guide for Epley's Inc. - Cited by Minnesota Fish & Game for a Misdemeanor. Violation of Commission Rules or Proclamation to wit: Loaded Firearm in Vehicle. Pled guilty in October 2012 and paid \$180 dollar fine and fees, with no probation or jail time. Enforcement Chief Wadley issued administrative citation to Schultz, for unethical/unprofessional conduct and for conviction of Minnesota F & G misdemeanor citation, fine payment of \$200 dollars with special process fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines and fees paid by Schultz 06/17/2013. Mr. Wadley asked the Board to accept fine payment & probation. **MSC (MOTION: IRBY, SECOND, LONG – AYES: KORELL AND HUNSUCKER; NAYES: NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED PROBATION.**

Case No. 2013-034 Cody James Estell - Guide for Clearwater River Company LLC - Cited by Adams County Sheriff Office (2) Two Misdemeanors of Drug Nature - Possession of a Controlled Substance (Marijuana) & Possession of Drug Paraphernalia. Pled guilty 01/03/2013 and paid \$503 dollar fine and fees, with no probation 2 days jail time. Enforcement Chief Wadley issued administrative citation to Estell, for unethical/unprofessional conduct for conviction of (2) Two criminal convictions of Misdemeanor drug nature with Adams County Magistrate Court, fine payment of \$300 dollars with special process fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines and fees paid by Estell 07/12/2013. Mr. Wadley asked the Board to accept fine payment and probation. **MSC (MOTION: IRBY, SECOND, LONG – AYES: KORELL AND HUNSUCKER; NAYES: - NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED PROBATION.**

Case No. 2013-045 Nikki S. Wahl - Guide for Pioneer Outfitters LLC - Cited by Twin Falls County Sheriff Office (2) Two Misdemeanors of Theft Nature - Petit Theft & (1) One violation of probationary status. Pled guilty 03/12/2013 & 03/21/2013, paid \$580 dollar fine & fees, with 1 yr probation ending 03/21/2014 she served 20 days jail time with 160 days suspended. Enforcement Chief Wadley issued administrative citations to Wahl, for unethical/unprofessional conduct for conviction of (3) Three criminal convictions of Misdemeanors Petit Theft nature with Twin Falls County Magistrate Court, fine payment of \$600 dollars with special process fees for investigation of \$50 dollars, also placed on general probation of one year by Director Howard. Fines and fees paid by Wahl by outfitter 07/02/2013. Mr. Wadley asked the Board to accept fine payment and probation. **MSC (MOTION: IRBY, SECOND, LONG – AYES: KORELL AND HUNSUCKER; NAYES: - NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED PROBATION.**

Case No. 2013-058 Josh E. Makepeace - Guide for Chipor Holdings /Orange Torpedo - Cited by IOGLB Enforcement Agent Bill Snyder on 07/17/2013. Failure to have guide license in his possession during a guided and cliented whitewater float trip, Hammer Creek - Salmon River. Fine payment of \$25 dollars received by mail, from outfitter on 07/24/2013. Mr. Wadley asked the Board to accept fine payment. **MSC (MOTION: IRBY, SECOND, LONG – AYES: KORELL AND HUNSUCKER; NAYES: - NONE) TO ACCEPT THE FINE PAYMENT.**

Mr. Wadley explained the following fines and restitution received to August 2013 :

Magistrate Court Fines and Restitution IOGLB	\$9361.82
IOGLB Board Ordered Cost Recovery	\$2675.00
IOGLB Administrative Disciplinary Citations	\$2525.00
Total	\$14,561.82

Board member Long said that he would like to see the Office Supervisor Report showing the cost savings and Enforcement Report be placed in the Newsletter.

Board Member Stark entered the meeting

Financial Report – The Board reviewed March, April, May, June and July financial statements. Board member Stark stated that the \$34,000.00 returned to the free fund account for the 2013 fiscal year was commendable. The Director pointed out that this savings was actually higher due the office space contract for the FY 2014 being paid out of the 2013 appropriation.

MSC (MOTION: STARK, SECOND LONG – AYES: HUNSUCKER, KORELL, AND IRBY; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORTS FOR MARCH, APRIL, MAY, JUNE, AND JULY 2013.

DIRECTOR'S REPORT: FY 2014 expenditure projections - Director Howard explained he anticipates spending approximately \$36,000 with the Board's data base contractor, RDI for additional fixes and up keep of the licensing data system and he anticipates additional funding for the transition of GIS from a data system managed by IDFG into the Board's data system and the development of a useable management tool that is greatly needed. He said that he anticipates grant funding through the IRTI from the Forest Service and BLM that will help with the project. He said that due to savings mentioned in the financial report where the Board's office space contract for the FY 2014 had been paid out of the 2013 appropriation. He said that he will watch spending but hopes to have adequate savings in the 2014 fiscal year to begin the development of the online use report system this coming spring. He said the plan is to have the use report system developed and managed by RDI with that system linked to the online outfitter license renewal managed by Access Idaho. **2015 Budget proposal** - Director Howard said that he anticipated submitting a maintenance budget request for the FY 2015 and said that he plans to request a one- time enhancement which would fund the required vacation leave buyout and allow for one month overlap funding to bring on and train a new Director. This will be a one-time use in 2015 or 2016 when he decides to retire. The Board authorized him to move forward with the request. **Technical Advisory Committee (TAC)** - The Director said that a TAC member had sent an email to him upset over the Idaho Department of Parks and Recreation employees providing "guided" rock climbing activities in the City of Rocks State Park. He said that one other TAC member had also expressed their concern. Director Howard said that he explained to them that the Board understands the concern, but realizes it does not have authority over the Idaho Parks and Recreation. The Board acknowledged that matters of the members' concern are out of its jurisdiction. The Board discussed the TAC and suggested to the Director that he should rotate in fresh members. **Kelley's White Water Park** - The Board discussed matters concerning Kelley's White Water Park in the City of Cascade and asked the Director Howard to follow up to better understand the concern to address appropriately. **Vacated Outfitter area in IDFG units 70, 73 & 73A** - Director explained that prospectus to fill an area vacated by Cash Taylor had only one applicant which was Bear Paw Outfitters, Dale Denney, there were no issues with that operation and the prospectus was awarded to him. **Minidoka Ranger District backcountry skiing**. He said that a prospectus to fill a new area identified by the Minidoka Ranger District for backcountry skiing had only one applicant and was awarded to Andwood Inc, dba Pomerelle Mountain Resort. **Vacated license area in IDFG unit 43** - Board Member Korell asked about the Del Allmon prospectus and why the Mountain Home Ranger District has not issued the prospectus for the vacated area from Del Allmon for Bear and cougar hunting activities. Director Howard explained that he had been in contact with the Mountain Home Ranger District in the spring but they had not moved forward. He said that he understood they we're going to coordinate a meeting to discuss this matter this month but he had not heard from them. He said that he would contact them again. **MSC (MOTION: KORELL, SECOND, STARK; - AYES: LONG, HUNSUCKER AND IRBY; NAYES: - NONE) THAT THE BOARD ISSUE THE PROSPECTUS TO FILL THE VACATED DEL**

ALLMON BEAR AND COUGAR HUNTING AREA.

Vacated Outfitter area in IDFG units 28 & 29 - The Director reminded the Board that at its June meeting he reported that the Salmon Challis NF had contacted him about moving forward with an adjustment to John Cranney's (Rawhide Outfitters) permit to add the vacated Twin Peaks area to his license 4052. The reason to do this is that Rawhide Outfitters' current licensed area completely surrounds that vacated area. He said that he was advised by the Board that it would be appropriate to do so and as a result, to work in cooperation with the Salmon Challis NF to issue a Notice of Intent to Permit and License. He said it was posted in the Salmon paper by the Salmon Challis NF. He reported that the Board and USFS received:

- 22 comments wanting the area to remain open to the general public without commercial use
- 18 comments supporting Rawhide Outfitters area adjustment for commercial use
- 3 Outfitters expressed interest (Kookaburra, Big Timber Outfitters and Quarter Circle A Outfitters).
- A letter from IDF&G highlighted by *"Leaving this popular hunting area vacated would provide a place for our constituents to participate in hunting recreation without competition from outfitters, thus providing a higher quality experience."*

He said that he learned from the Salmon Challis NF Permit Administrator, Patti Schwind that one of their grazing permit holders had placed a personal ad in the local paper not supporting any outfitted hunting. He said that it appeared that this ad created some animosity and ill will. He said that in reviewing the comments there apparently is a dispute involving various factions surrounding the use of this area.

The Board discussed the purpose of outfitting is to provide public opportunity, not to prevent it and the impact of doing so goes well beyond hunting and includes tourism and economic benefit to the community. The Board discussed that both outfitted hunters and non outfitted hunters involve the "public" hunting. The Board discussed that there appears to be members of the public on both sides of this but they would not be meeting its statutory obligation to consider allowing at least limited use of a previously licensed area like this to those members of the public coming to Salmon to hunt with an outfitter. The Board discussed that with respect to IDFG's letter and their "constituents," it seems IDFG's approach continues to not include as their "constituents," Idaho outfitters; the "public" to whom outfitters provide services or the 21 respondents in favor of filling this vacated area. Board member Stark said that John Cranney's Rawhide Outfitters is a local business doing their best to be successful and stated to her knowledge, the Board has never received a complaint regarding Rawhide Outfitters' activity or services. Board member Stark went on to say that she felt Rawhide Outfitters may be in the best position to make the best use of this area. With an expansion into this area which immediately adjoins to his existing area, limits could be more easily incorporated than with someone new being licensed in the area.

The Board discussed that in moving forward they needed to do so working appropriately with the Salmon Challis NF, that there needs to be some sensitivity to the public comments, to who the outfitter might be and what they might do with the area. Board member Korell suggested that the Notice of Intent to Permit and License stated 20 elk and 20 deer hunters which may be too generous, and that if this vacated area is in fact a little more accessible and receives a little more general public use as a result, then rather than not permitting and licensing an outfitter in it as suggested by IDFG, the Board should limit the number of deer and elk hunters that the outfitter licensed there can provide services to. The Director would set these limits on the license with input from both IDFG and the USFS District Ranger. The Director suggested that the Board consider limits so a future sale would require a complete business sale, or a sale to a local outfitter rather than a sale of this individual area to an outfitter new to the area. Outfitters selling small licensed areas associated with their licensed businesses seem to be generating more defaults and confusion than needed. The Board discussed the merits of the other outfitter's who expressed interest and determined that no other outfitter licenses be issued for big game hunting in this immediate area at the present time. The

Board discussed taking the lead in responding to the comments and to place related information on its website.

MSC (MOTION: KORELL, SECOND, LONG; - AYES: IRBY, HUNSUCKER AND STARK; NAYES: - NONE) TO LICENSE JOHN CRANNEY RAWHIDE OUTFITTERS FOR THE VACATED TWIN PEAKS AREA, THAT THE BOARD TAKE THE LEAD IN RESPONDING TO THE COMMENTS AND TO IDFG, TO NOTIFY OTHER INTERESTED OUTFITTERS OF THEIR DECISION AND IN DOING SO, WORK WITH THE USFS TO MOVE FORWARD APPROPRIATELY.

MSC (MOTION: LONG, SECOND, STARK – AYES: IRBY, KORELL AND HUNSUCKER; NAYES: - NONE) AT 11:40 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE; EXECUTIVE DIRECTOR. HOWARD WAS PRESENT. MSC (MOTION: LONG, SECOND, IRBY; - AYES: KORELL, HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:50 A.M.

MSC (MOTION: LONG, SECOND, IRBY; - AYES: KORELL, HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD ACCEPT THE EXECUTIVE DIRECTOR'S WORK PLAN AND STATED THAT HIS WORK IS EXEMPLARY.

Chairman Hunsucker recessed the meeting for lunch at 12:00 p.m., meeting reconvened at 1:37 p.m. with all present

Director Howard went through the rest of the agenda for the day.

Board Action – Negotiated Rule Making Groups, Clubs, Private Lands, Outfitted Turkey and Waterfowl Hunting – present at the meeting Grant Simonds, Executive Director IOGA, Dick Gardner, John Watts, Joseph Peterson, Jeff Knetter, Todd Fenzl, Paul Waldon. Chairman Hunsucker stated what is important to remember is the final rule adopted by the Board at this meeting will be moved forward to the Governor and then to the 2014 Legislature. In doing so, the Board will begin a formal rule making process. This adopted rule must be brought forward to the Office of Administrative Rules as a proposed rule by August 30, 2013; it will be published in their October 2, 2013 bulletin with the comment period closing October 23, 2013. From that point, the Board would consider comments in a public meeting and can conduct another hearing if it so desires; however by November 29, 2013 the Board must establish a pending rule and that there be a Notice of Adoption of Pending Rule as Proposed or Notice of Adoption of Pending Rule where additional changes will be explained that will be published by the Office of Administrative Rules in their January 1, 2014 bulletin. It is that version that goes before the Legislature. The Board discussed responding to comments received thus far and that once the Board's direction on this overall matter is known, that Director Howard be directed to prepare a response to those comments with the Board's input. Option D Draft Rule was discussed dealing with groups, organizations, outfitting on private land and outfitted turkey and waterfowl. **MSC (MOTION: KORELL, SECOND, IRBY; AYES, STARK, LONG AND HUNSUCKER, NAYES – NONE) TO MOVE FORWARD WITH THE FORMAL RULE MAKING WITH PROPOSED RULE D, 011., PARAGRAPH 01 AND 02 PERTAINING TO GROUPS, ORGANIOATIONS, CLUBS AND INDIVIDUALS SHARING COSTS, AND WITH OUTFITTING ON PRIVATE LANDS AS A PROPOSED RULE AND PARAGRAPHS 03, 04 AND 05 PERTAINING TO OUTFITTER TURKEY AND WATERFOWL HUNTING BE PLACED INTO POLICY ONLY. MSC (MOTION: KORELL, SECOND, IRBY; AYES, HUNSUCKER, LONG, STARK; NAYES –NONE) TO DIRECT DIRECTOR HOWARD TO PROMULGATE THE RULE.**

Board Meeting Date Set - The Board has set the next Board meeting for November 14 and 15th 2013.

DA License Application – Justin Luther DA for Mike Luther, Outfitter - Mike and Justin Luther appeared before the Board. Justin Luther's attorney Darrel Aherin also appeared to discuss the business and the estate of Jodi Luther and the reasoning for the indecisions on the license applications and amendments that Mike Luther has been sending for the last year. There was confusion as to what their intent was. The Board discussed that Mr. Luther must provide documentation of an earlier license being issued for SN-12 if he hopes to sell a business associated with it.

MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO GRANT A DESIGNATED AGENT LICENSE TO JUSTIN LUTHER FOR MIKE LUTHER'S SOLE PROPRIETOR BUSINESS LICENSE 13813.

Meeting adjourned at 4:15 p.m.

Chairman Hunsucker called the meeting to reconvene at 8:30 a.m.

Director Howard was not present

Shawn Barkdull, Guide License Hearing - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Barkdull's guide license application due to the criminal convictions he has received. Mr. Barkdull is seeking a guide license to work for Natural Retreats/South Fork Lodge, Mr. Barkdull testified and certain exhibits were introduced into evidence.

MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO APPROVE MR. SHAWN BARKDULL'S GUIDE LICENSE

Jeff Wieber, Guide License Hearing - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Wieber's guide license application due to the criminal convictions he has received. Mr. Wieber is seeking a renewal guide license to work for Exodus, Mr. Wieber testified and certain exhibits were introduced into evidence.

MSC (MOTION: LONG, SECOND, STARK; AYES, HUNSUCKER, KORELL, IRBY; NAYES – NONE) TO GRANT A ONE YEAR NON RESTRICTIVE PROBATIONARY LICENSE TO MR. JEFF WIEBER

Rhett Kelley, Guide License Hearing - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Kelley's guide license application due to the IDFG and one other conviction he has received. Mr. Kelley is seeking a guide license to work for Mystic Saddle Ranch, Jeff Bitton, DA. Mr. Kelley testified and certain exhibits were introduced into evidence.

MSC (MOTION: KORELL, SECOND, STARK; AYES, HUNSUCKER, LONG, IRBY; NAYES – NONE) TO GRANT MR. RHETT KELLEY A GUIDE LICENSE

Mark Christensen, Guide License Hearing-- A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Christensen's guide license application due to the criminal convictions he has received. Mr. Christensen is seeking a renewal guide license to work for Salmon River Experience, Mr. Christensen testified and certain exhibits were introduced into evidence.

MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES –

NONE) TO GRANT MR. MARK CHRISTENSEN A GUIDE LICENSE

Outfitter Disciplinary Hearing, Andrew Savage – MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO DISMISS ANDREW SAVAGE’S FORMAL COMPLAINT WHICH WILL RESOLVE THE MATTER. CHAIRMAN HUNSUCKER WILL SIGN THE ORDER.

MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO AMEND THE AGENDA TO REVIEW THE PROSPECTUS FROM THE ASHTON/ISLAND PARK SNOWMOBILING TOURS PRIOR TO THE AGENDA ITEM MEETING TIME.

Director Howard left the meeting to attend to a personal matter.

Outfitter License Application – Office Supervisor Thomason explained that Duane and Monarae Whipple have not passed their outfitter exam the two times they had taken it. Monarae had sent a letter to the Executive Director requesting a meeting before the Board to explain that they had a 2004 rule book that Brett Ready had given them to take the test. Once they received the current rules book they found the errors they’d made on the outfitter exam and were confident that if given another chance with the proper materials they would pass the outfitter exam. MSC (MOTION: KORELL, SECOND, IRBY; AYES, HUNSUCKER, LONG, STARK; NAYES – NONE) DUE TO THE FACT THAT DA APPLICANTS DUANE AND MONARAE WHIPPLE BOTH TOOK SEPARATE OUTFITTER EXAMS AND BOTH FAILED TWICE OVER THEIR CONFUSION IN USING THE 2004 RULE BOOK, THEY WILL BE ALLOWED TO RETAKE THE OUTFITTER EXAM USING THE CURRENT MATERIALS. IF THEY FAIL AGAIN, THEY MUST WAIT A YEAR TO REAPPLY FOR AN OUTFITTER/ DA LICENSE. IF SUCCESSFUL, THEY ALSO MUST COMPLETE THEIR CURRENT OUTFITTER AND DA APPLICATIONS.

MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY, LONG AND HUNSUCKER; NAYES: - NONE) AT 11:05 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS EXAM ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY ROGER HALES; OFFICE SUPERVISOR LORI THOMASON WERE PRESENT. MSC (MOTION: LONG, SECOND, IRBY; - AYES: KORELL, HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:45 A.M.

Recessed for Lunch at 11:50 a.m. meeting reconvened at 1:30 p.m. with all listed above present

Larry Warner, Guide License Hearing- A Guide hearing was conducted before the Board by the Board’s prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Warner’s guide license application due to the criminal convictions he has received. Mr. Warner is seeking a renewal guide license to work for Adventures in Recreation, Mr. Warner testified and certain exhibits were introduced into evidence. - MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) TO GRANT MR. LARRY WARNER A GUIDE LICENSE.

Director Howard entered the meeting. N: KORELL, SECOND, STARK – AYES: IRBY, LONG AND HUNSUCKER; NAYES: - NONE) AT 2:05 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO Review and Score Application to a prospectus IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE. BOARD ATTORNEY

ROGER HALES; EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SUPERVISOR LORI THOMASON WERE PRESENT. MSC (MOTION: LONG, SECOND, IRBY; - AYES: KORELL, HUNSUCKER AND STARK; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:25 A.M.

Prospectus Ashton/Island Park Snowmobiling Tours- The Board reviewed in conjunction with the Caribou-Targhee National Forest Ashton/Island Park Ranger District Ranger and permit administrator Liz Davey and Bill Davis via phone conference the prospectus for the snowmobiling tours - **MSC (MOTION: STARK, SECOND, IRBY; AYES, HUNSUCKER, KORELL, LONG; NAYES – NONE) TO AWARD THE PROSPECTUS FOR GUIDED SNOWMOBILING TOURS IN THE CARIBOU-TARGHEE NATIONAL FOREST ASHTON/ISLAND PARK RANGER DISTRICT TO JASON HURD, IP RENTALS LLC AND TO RICHARD PAINI, TROUT HUNTER LLC DBA POWDER HUNTER**

Outfitter Disciplinary Hearing Mike Stockton, Idaho White Tail Adventures – Prosecutor Mike Kane explained to the Board that more time was needed to hear this case. **MSC (MOTION: LONG, SECOND, IRBY; AYES, HUNSUCKER, KORELL, STARK; NAYES – NONE) MOVE TO CONTINUE THE MIKE STOCKTON, IDAHO WHITE TAIL ADVENTURES HEARING UNTIL THE NEXT MEETING IN NOVEMBER.**

Next regular Board meeting is scheduled for November 13 and 14, 2013 in Boise.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 3:45 p.m., Wednesday August 14, 2013.



WAYNE HUNSUCKER, CHAIRMAN 11/14/13
Date

ATTEST:



JAKE HOWARD, DIRECTOR 11/14/13
Date